

**IN THE DISTRICT COURT OF THE STATE OF IOWA
IN AND FOR MUSCATINE COUNTY**

LAURIE FREEMAN, SHARON
MOCKMORE, BECCY BOYSEL,
GARY D. BOYSEL, LINDA L.
GOREHAM, GARY R. GOREHAM,
KELCEY BRACKETT and BOBBIE
LYNN WEATHERMAN,

Plaintiffs,

v.

GRAIN PROCESSING
CORPORATION,

Defendant.

Case No. LACV 021232

NOTICE OF CLASS ACTION LAWSUIT

IMPORTANT LEGAL NOTICE – PLEASE READ CAREFULLY

A Class Action Lawsuit May Affect Your Rights.

A Court Authorized This Notice. You Are NOT Being Sued.

TO: Persons who have lived at any time between April 24, 2007, and September 1, 2017 in the City of Muscatine, within 1.5 miles from the GPC plant, in one of these two areas:

The area within the City of Muscatine marked “the Close Proximity Class” on the map attached at the end of this Notice: south of County Road G28 and Hershey Avenue west the Mississippi River, east of US Highway 61, north of Dick Drake Way,

or

The area within the City of Muscatine marked “Peripheral Proximity Class” on the map attached at the end of this Notice: north of County Road G28 and Hershey Avenue (the “Peripheral Proximity Class”), west of the Mississippi River and east of US Highway 61.

Note that the dividing line between the Close Proximity Class and the Peripheral Proximity Class is drawn as though Hershey Avenue continued across town to the Mississippi River. The southern boundary of the Close Proximity Class is drawn as though Dick Drake Way continued east to the Mississippi River.

Also note that current GPC Management Employees – meaning individuals currently employed by GPC with the job title of Manager, Director, Vice President, Senior Vice President or President – are not included in either one of these classes.

I. WHAT IS THE PURPOSE OF THIS NOTICE?

This Notice has been authorized by the Iowa District Court for Muscatine County to inform you about a Class Action against Grain Processing Corporation (“GPC”) which may affect you.

A class action is a lawsuit that joins together a group or “class” of people with similar claims in a single lawsuit against a common defendant—in this case, GPC.

This Class Action is over pollution emitted by GPC’s Muscatine plant. It is the only class action regarding pollution from the plant, although some individual lawsuits regarding pollution from the plant have been filed.

If you have lived in either one of the two areas shown on the map at any time between April 24, 2007, and September 1, 2017, you are covered by the Class Action and this Notice applies to you. You are a Class Member. ***Please read it carefully to learn about your legal options.***

“Live(d)” means that you own(ed) or rent(ed) a property within the Close Proximity Class area or the Peripheral Proximity Class area (or were a dependent of someone who own(ed) or rent(ed) a property within those areas) for some period of time between April 24, 2007 and September 1, 2017 and also that you physically resided at such property for some period of time between April 24, 2007 and September 1, 2017.

You are not covered by the Class Action if you were solely a guest who did not own or rent a covered property. Likewise, you are not covered by the Class Action even if you owned property in the Close Proximity Class Area or the Peripheral Proximity Class area if you never physically resided in those areas.

II. WHAT IS THE CASE ABOUT?

Eight Muscatine neighbors—Laurie Freeman, Sharon Mockmore, Beccy and Gary Boysel, Linda and Gary Goreham, Kelcey Brackett and Bobbie Lynn Weatherman—brought this case against GPC in 2012 on behalf of themselves and others, such as yourself. They are the “Representative Plaintiffs” in this case.

They are seeking money damages from GPC as compensation for personal inconvenience, discomfort and annoyance caused by smoke, odor and haze emitted by the GPC plant. For example, they claim that the pollution interfered with their ability to spend time gardening, barbecuing, entertaining outdoors; caused nuisance-level physical symptoms like burning eyes, sinus congestion, and other irritations; prevented them from keeping windows open to get fresh air; imposed extra maintenance and cleaning burdens at their properties (for example cleaning furnishings, cars, siding). They claim the resulting lost use and enjoyment of their homes (and yours) amounts to Nuisance, Negligence and Trespass under Iowa law.

GPC has denied it did anything wrong. GPC claims that all corn processing plants, even well-run ones, release emissions; that it has been operating since the 1940s, as was widely known, before most Class Members moved into the Close Proximity Class area or the Peripheral Proximity Class area; that it operated the plant responsibly; that it has invested in the plant to reduce emissions; and that emissions from the plant did not unreasonably interfere with the neighbors’ use and enjoyment of their properties.

GPC also opposed Plaintiffs’ request to bring this case as a class action, but in October 2015, the judge presiding over this lawsuit (Honorable Thomas G. Reidel), certified the Class Action as necessary for the fair and efficient resolution of the claims. On May 12, 2017, the Iowa Supreme Court upheld Judge Reidel’s decision, allowing the Class Action to go forward to trial.

Judge Reidel has scheduled the trial to begin on July 9, 2018.

III. WHO ARE THE REPRESENTATIVE PLAINTIFFS AND THE LAWYERS FOR THE CLASS?

The Court has certified the following Class Members, who brought the lawsuit, as the Representative Plaintiffs for the Close Proximity Class:

Laurie Freeman
1346 Underwood Ave.
Wilton, IA
Formerly:
1706 Baker Ave.
Muscatine, IA

Gary and Beccy Boysel
1009 Illinois St.
Muscatine, IA

Sharon Mockmore
1407 Kansas St.
Muscatine, IA

Gary and Linda Goreham
2014 Sampson St.
Muscatine, IA

The Court has certified the following Class Members as the Representative Plaintiffs for the Peripheral Proximity Class:

Bobbie Lynn Weatherman
408 Chestnut St.
Muscatine, IA

Kelcey Brackett
2817 Mulberry Avenue
Muscatine, IA
Formerly:
202 Bridgeman St.
Muscatine, IA

The Court has also certified Miner, Barnhill & Galland, P.C. (Sarah Siskind and Scott Entin) and Larew Law Office (James Larew and Claire Diallo) as “Class Action Counsel” to represent you and the rest of the Class Members in the Class Action. Their contact information is provided in Section VIII below.

IV. ARE THERE ANY CLAIMS THAT ARE *NOT* COVERED BY THIS CLASS ACTION?

This Class Action covers Nuisance, Negligence and Trespass claims for “lost use and enjoyment” damages, including the claimed nuisance-level physical symptoms, personal inconvenience, discomfort, and annoyance described in Section II. It does *not* cover personal injury claims (that is, claims for significant health harms or risks), or claims for lost market value of your home(s), or the cost

of replacing damaged property. If you wish to pursue these types of claims, you must exclude yourself from the Class Action and pursue them individually. Section VII of this Notice explains how, and what will happen if you do.

V. DO I NEED TO HIRE MY OWN LAWYER?

No. The Plaintiffs' attorneys have been certified by the Court to act as your lawyers and represent you in the Class Action as your Class Action Counsel. But, if you wish to hire your own lawyer, you may do so.

VI. WHAT ARE MY OPTIONS IN THIS CLASS ACTION?

You have a choice whether to stay in the Class Action or not. As this Notice explains in Section VII, you must decide this by October 16, 2017.

A. What do I have to do if I want to stay in the Class Action?

Nothing. If you meet the definition of a Class Member in Section I, you are automatically a part of the Class Action. That is why you received this Notice. *You will remain in the Class Action unless you take action to opt out of it.* And as a Class Member *in* the Class Action, you will have the following options:

1. You can be represented by the Class Action Counsel who have been handling the case on your behalf since it was filed in 2012; or
2. You can enter a formal appearance in the Class Action, either personally or through a lawyer different from the Class Action Counsel.

Under either of these options, you would remain in the Class Action as a Class Member and be entitled to claim a share of damages obtained by the Class Action.

B. What are my options if I do not want to stay in the Class Action?

The Class Action Rules allow you to exclude yourself from the Class Action. If you choose this option, you must exclude yourself in the manner and at the time set by Judge Reidel and described in this Notice at Section VII below.

C. Are my options different if I have already hired another lawyer?

Your options are essentially the same under Iowa law even if you have already hired another lawyer:

1. You can remain in the Class Action and still be represented by the lawyer you hired;
2. You can remain in the Class Action, choose to be represented by Class Action Counsel and terminate the other lawyer you hired; or
3. You can exclude yourself from the Class Action lawsuit altogether, as long as you do so in the manner and at the time set by Judge Reidel in Section VII below.

You may wish to seek advice from an independent attorney before making your choice.

VII. WHAT DO I HAVE TO DO TO EXCLUDE MYSELF FROM THIS CLASS ACTION LAWSUIT?

If you wish to exclude yourself from this Class Action Lawsuit, you must complete the form provided with this Notice entitled “I Want to Exclude Myself from the Class Action” and return it to the Clerk of Court at the Iowa District Court for Muscatine County, 401 E. Third St., #3, Muscatine, Iowa, 52761.

To be valid, the Form must be filled out *and signed by you, personally*, and received by the Clerk of Court at 401 E. Third St., #3, Muscatine, Iowa, 52761 no later than October 16, 2017.

Please understand that once you exclude yourself, you will not have a right to come back into the Class Action or to any share of the recovery that may be achieved in the Class Action. If you stay in the Class Action, you will be bound by the judgment (favorable or unfavorable) and will not have the right to bring individual claims.

***Do not* return this form, or *any* form, if you wish to remain *in* the Class Action.**

VIII. HOW COULD THIS CASE AFFECT ME IF I REMAIN IN THE CLASS?

The Plaintiffs are seeking “lost use and enjoyment” money damages for you and your fellow Class Members. If you stay in the Class Action, and the Plaintiffs succeed by settlement or after a trial, then you will be notified about what you must do to demonstrate your eligibility to claim a share of any money recovery. If the Plaintiffs do not succeed, and you have not excluded yourself from the Class Action, then you will be bound by the judgment and will not be able to file your own suit against GPC.

Compensation for Class Action Counsel is dependent on a successful outcome and must be reviewed and approved by the Court. If money damages are recovered for the Class (by settlement or jury verdict at trial), the Court will determine the amount Class Action Counsel should be paid. If money damages are not recovered, no fees and no costs will be owed by you or your fellow Class Members.

IX. HOW DO I GET FURTHER INFORMATION?

If you have any questions, including questions about whether your property is included, or want to review any document that has been filed in this case, you may contact the Class Action Counsel at www.GPCClassAction.com, or by mail, email, or phone as follows:

Sarah E. Siskind
Miner, Barnhill & Galland, P.C.
44 E. Mifflin St., Suite 803
Madison, WI 53703
(608) 255-5200
SSiskind@LawMBG.com

James C. Larew
Larew Law Office
210 Cedar St.
Muscatine, Iowa 52761
(563) 263-2120
James.Larew@LarewLawOffice.com

Scott A. Entin
Miner, Barnhill & Galland, P.C.
325 N. LaSalle St., Suite 350
Chicago, IL 60654
(312) 751-1170
SEntin@LawMBG.com

Claire M. Diallo
Larew Law Office
504 E. Bloomington St.
Iowa City, Iowa 52245
(319) 337-7079
Claire.Diallo@LarewLawOffice.com

You can find close-up maps on the website (www.GPCCClassAction.com) showing which properties at the class boundaries are included in the class.

Please do not contact the Judge, the Clerk of Court, or Grain Processing Corporation, or their attorneys, with questions.

The pleadings and other papers filed in this case are available for inspection at the office of the Clerk of Court.

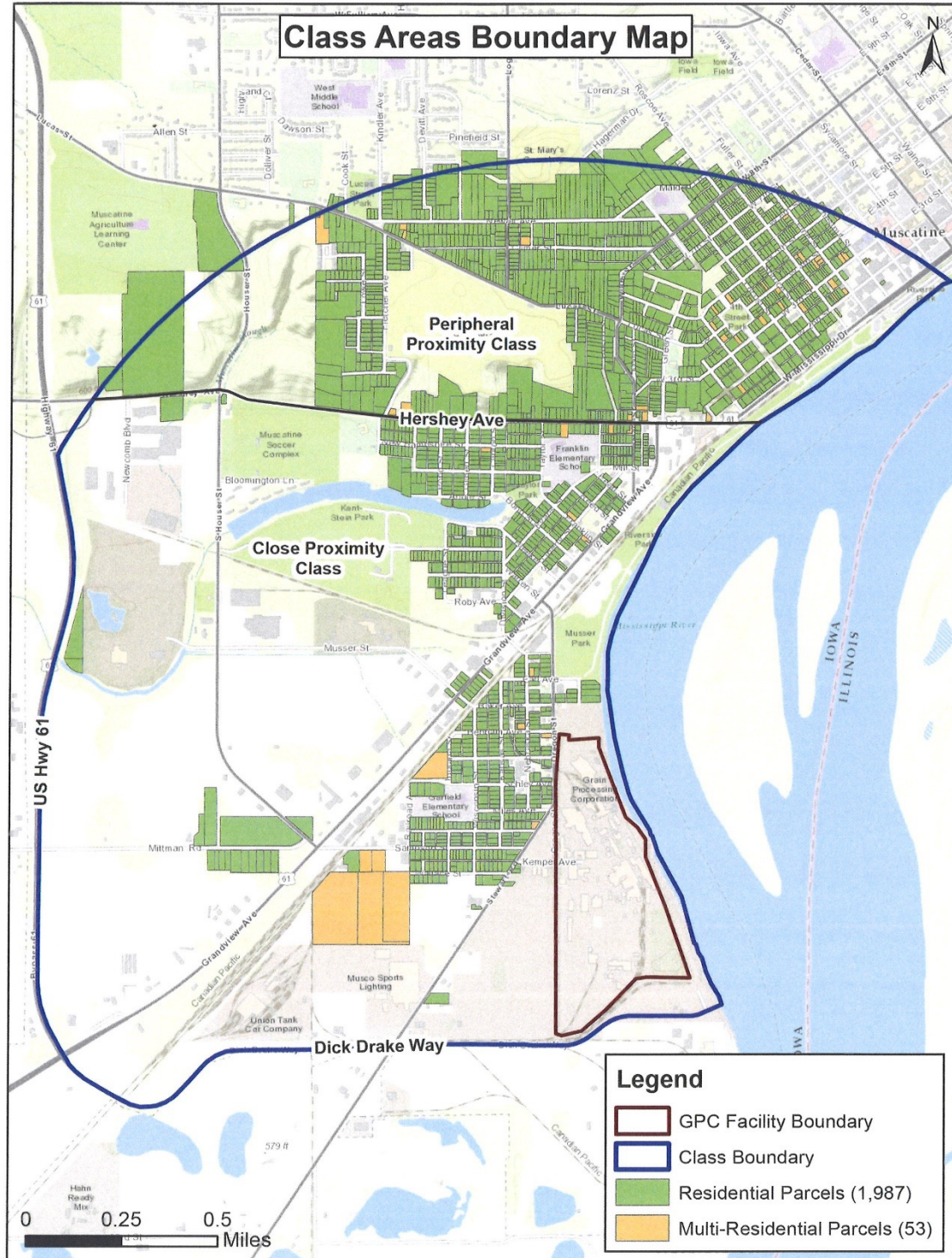
IMPORTANT: IF YOU WISH TO EXCLUDE YOURSELF FROM THE CLASS ACTION, YOUR EXCLUSION REQUEST MUST BE RECEIVED BY THE CLERK OF THE COURT ON OR BEFORE OCTOBER 16, 2017.

Dated: 8-30-17

BY ORDER OF THE COURT:

A handwritten signature in black ink, appearing to read "Tom Reidel", written over a horizontal line.

Thomas G. Reidel, District Court Judge



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I WANT TO EXCLUDE MYSELF FROM THE CLASS ACTION

I do not want to be a part of the Class Action and want to exclude myself from it. I understand that I could be represented in the Class Action case either by the Class Action Counsel or by an attorney that I hire myself, but I do not wish to participate in the Class Action case in any manner. I do not wish to partake in any potential recovery by the Class in the Class Action.

NAME (printed): _____

ADDRESS: _____

PHONE NUMBER: _____

YOUR SIGNATURE: _____ **DATE:** _____

This Exclusion Request must be *received* by the Clerk of Court by October 16, 2017, at the following address:

Clerk of Court
Iowa District Court for Muscatine County
401 E. Third St., #3
Muscatine, Iowa 52761